

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
September 16, 2015
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney Heinz

Alderman Boulton moved to approve the September 8, 2015 minutes. Alderman Winings seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER A SUBDIVISION PLAT FOR 25 NORTH CENTRAL AVENUE (OPUS DEVELOPMENT PROJECT)

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent ordinance to consider approving a subdivision plat. This same request was approved by the Board of Aldermen on June 9, 2015; however, the plat was not filed with St. Louis County within 30 days and has subsequently expired.

On August 24, 2015, the City of Clayton received an application, plat and supporting documents from Joe Downs, Partner, Opus Development Company, LLC, developer/owner under contract, of 25 North Central Avenue, for a subdivision plat in support of the development of a new mixed-use project.

The project consists of the demolition of the existing structures at 25 North Central Avenue, and the construction of a 123,806-square-foot, 6-story (+/- 69 feet) building located on top of a 2 level below grade parking structure. The building will contain 13,297 square feet of ground floor retail, 121 residential units (9 studio units, 30 alcove units, 38 one-bedroom units, 43 two-bedroom units, and 1 guest suite), and 145 parking spaces. The proposed plat consolidates five existing lots (Lots 10-12 and parts of Lots 13 & 14, Block 5 in the Town (now City) of Clayton) that have historically been under common ownership and addressed as 25 North Central Avenue. The plat also provides for an 800-square-foot right-of-way dedication to the City along the southern alley to allow it to be widened to meet city standards. The consolidated lot will measure 31,942 square feet.

The Plan Commission reconsidered this request at its September 9, 2015 meeting and voted unanimously to recommend approval. Staff recommends approval of the plat as presented.

Alderman Winings recused himself from the meeting.

Mayor Sanger closed the public hearing.

Alderman Garnholz introduced Bill No. 6520, an ordinance to approve a subdivision plat for property at 25 N. Central Avenue, Opus Development Project to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Heinz reads Bill No. 6520, an Ordinance Providing for the Approval of a Plat of Certain Property Generally Located at 25 North Central Avenue in the City Of Clayton, Missouri for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6520 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6520, an ordinance to approve a subdivision plat for property at 25 N. Central Avenue, Opus Development Project to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Heinz reads Bill No. 6520, an Ordinance Providing for the Approval of a Plat of Certain Property Generally Located at 25 North Central Avenue in the City Of Clayton, Missouri for the second time by title only.

Alderman Garnholz – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6389 of the City of Clayton.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT AT #2 OAK KNOLL

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is a request for Conditional Use Permit approval to allow the subject building to be used as headquarters for the St. Louis Community Foundation.

The subject building measures 12,995 square feet and is located in Oak Knoll Park at the northwest corner of Big Bend Boulevard and Clayton Road. The park measures 14.88 acres and has a zoning designation of R-2 Single Family Dwelling District. The building addressed 1 Oak Knoll Park has housed a daycare facility for nearly 25 years. From 1995 to early this year, the subject building was occupied by the St. Louis Artists' Guild. In August 2014, the St. Louis Community Foundation responded to the City's Request for Proposals and was subsequently selected by the City as the building's new tenant.

The St. Louis Community Foundation was founded in 1915 to help citizens pool their philanthropic funds in order to maximize their giving impact and to ensure the charitable purposes prescribed by the donor are honored into perpetuity. The building will be utilized for offices, daily operations, board meetings, donor meetings/events, and community meetings/events. The building and grounds will continue to be rented out for wedding receptions and other similar events. All events will be catered.

The Foundation proposes to operate 8 a.m. to 5 p.m. Monday through Friday. Some events will occur after normal business hours and will be limited to the facility's capacity.

Interior and exterior updates to the building are proposed and include restoration of all first floor windows, replacement of the second and third floor windows, roof repair, tuck-pointing, repairs to the gutters and painting.

The lease with the City provides for 30 reserved parking spaces. The City's Parking Regulations require commercial buildings to provide one parking space for each 300 square feet of gross floor area. Based on the size of the subject building, 43 parking spaces are required. 30 spaces are available per the lease agreement with the City. The City's parking regulations states that non-conforming buildings do not need to provide additional parking spaces for re-occupancy for a similar or less restrictive use. Staff is of the opinion that the proposed use is similar to the previous use (St. Louis Artists' Guild), and therefore additional parking is not required. Based on the City's Bicycle Parking Regulations, the proposed use is required to provide one bicycle rack.

The Plan Commission considered this request at their meeting of August 17, 2015, and voted to recommend approval. Staff recommends approving a Conditional Use Permit pursuant to the stipulations and conditions listed in the attached resolution.

Mayor Sanger expressed that he is happy that they will be a part of the Clayton Community.

Alderman Lintz inquired that tonight's request for the conditional use permit was contingent upon the Board's approval of the lease agreement during the last Board meeting. Patty DeForrest confirmed.

In response to Alderman Boulton's question regarding the installation of bike racks, Patty DeForrest stated that there will be two bike racks installed at the location.

Mayor Sanger closed the public hearing.

Alderman Garnholz moved to approve Resolution No. 15-12, a Conditional Use Permit for the St. Louis Community Foundation offices to be located at #2 Oak Knoll Park. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings rejoined the meeting.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR 125 HUNTER AVENUE

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is a request for Conditional Use Permit approval to allow an auto repair shop at 125 Hunter Avenue to be known as ABRA Auto Body and Glass. The property, which has a zoning designation of S-1 Service District, contains a 13,195 square-foot commercial style building with 8 interior garage bays and a 56 space surface parking lot that is fenced on 3 sides. The property is adjacent to I-170 to the west; a 2-story office building to the north; and the Hunter Avenue right-of-way and landscaped open areas associated with a 4-story office building to the south and east. In 2012, the Board of Aldermen approved a Conditional Use Permit for Team 1 Autobody to operate an auto repair shop at the subject property. Team 1 has vacated the property and ABRA has since taken occupancy. ABRA proposes to operate 7:30 a.m. to 5:30 p.m. Monday through Friday and 9:00 a.m. to 12:00 p.m. on Saturday. Trash will be stored in a trash enclosure and located at the southern corner of the property.

The operational impacts of this auto-related use can be significant. Auto repair technicians are responsible for removing dents in vehicles, straightening bent car parts and replacing parts that are beyond repair due to accidents, collisions, vandalism or wear. They also refinish car bodies and replace glass components. Auto technicians also do some welding and realignment of the frame, and sometimes they are required to straighten out a bent frame on a car, truck or other vehicle. Additionally, vehicles and parts will be re-painted. As defined in the code, an auto repair shop also allows major automobile engine overhauls. An overhauled engine is an engine which has been removed, disassembled, cleaned, inspected, repaired as necessary and tested.

Staff is of the opinion that the surrounding properties could be moderately impacted by the proposed use, specifically the building to the north. The operational characteristics of the use as proposed by the applicant can be noisy, visually unattractive, waste producing and odor producing. These impacts are somewhat mitigated by the configuration of the building on the subject property and the existing landscape buffering between the two properties. The garage bays, where most of the noise producing activity will take place, are located in the center of the building, thus providing a buffer between the location of the noise producing activity and the office building to the north. Furthermore, both buildings are located directly adjacent to Interstate 170, so there is a large amount of noise generated by passing traffic that could help offset some of the noise produced by the automobile repair shop. Finally, the storage/parking area is located at the south end of the property and is screened by an opaque fence and the existing building, therefore limiting its visibility to the public.

The Conditional Use Permit from 2012 required the replacement of a chain link fence with a vinyl fence, and the installation of evergreen trees planted on 12-foot centers along the entire length of the fence parallel to Interstate 170. The trees were to be installed at a minimum height of 6 feet at the time of planting, and to be maintained at a height of no less than 15 feet. The previous tenant installed the vinyl fence but did not remove the chain link fence or install the required landscape buffer. The applicant has submitted a proposed landscaping plan depicting the required evergreen screening. Because the landscaping will be located in the Interstate 170 right-of-way, approval by the Missouri Department of Transportation is required prior to installation. The chain link fence should also be removed prior to installation of the landscape buffer.

The Plan Commission considered the request for the Conditional Use Permit at its August 17, 2015, meeting and voted unanimously to recommend approval to the Board of Aldermen.

Staff recommendation is to approve a Conditional Use Permit to allow the operation of an auto repair shop at 125 Hunter Avenue pursuant to the stipulations and conditions listed in the attached resolution.

Tom Carrico, owner, addressed the Board stating that he purchased the business, *Team 1* and it will remain an auto body paint and repair shop. City Manager Owens added that there have been no complaints regarding the previous business.

In response to the Board's questions regarding steps to be taken for landscape buffering, City Manager Owens explained that the I-170 side (area) is handled by the Missouri Department of Transportation (MoDOT) which requires their permission for the removal of the chain link fencing.

Mr. Carrico clarified that he was not aware of the City's previous requirement to replace the fence with a vinyl fence, but that he did acquire a permit (MoDOT) to install trees along the fence line as a landscape buffering.

City Manager Owens commented that the City could be flexible in the requirements if MoDOT will not allow the replacement of the current fencing which would be noted in the resolution and the conditional use permit.

Mayor Sanger closed the public hearing.

Alderman Garnholz moves to approve Resolution No. 15-13, a Conditional Use Permit for the Abra Auto Body & Glass to be located at 125 Hunter Avenue as amended to reflect the requirement for the replacement of the chain link fencing only if allowed by MoDOT. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

BOARD UPDATE ON STATUS OF ONGOING PROJECTS

City Manager Owens gave a brief update on the list ongoing projects that were provided to the Board prior to the meeting.

FY 2015 THIRD QUARTER FINANCIAL REPORT

Janet Watson provided a brief summary on the FY2015 3rd Quarter Financials which were previously provided to the Board.

In response to Alderman Boulton's question, Mayor Sanger reported that due to the safe demonstrations' expenses the budget had an unexpected increase of approximately \$528,000 that had not been originally budgeted. Staff has filed with the county, state and federal governments for any type of relief that would be available. He noted that Chief Thorp is working diligently in following up on these requests adding that it is not equitable or fair to burden the citizens of Clayton with these costs.

A MOTION TO CONSIDER APPROVING THE FY2016 CRSWC BUDGET.

Aldermen Boulton and Berkowitz commended Patty DeForrest and staff on an excellent report provided earlier during the joint Board of Alderman and Board of Education meeting.

Alderman Garnholz moved to approve the CRSWC FY2016 Budget. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT FOR THE PURCHASE OF PROPERTY LOCATED AT 7612 WESTMORELAND AVENUE

City Manager Owens reported that recently, the City of Clayton was contacted to gauge their interest in purchasing property that was going to be sold which was contiguous to Hanley Park. The owners, Theodore and Barbara Winters, have been long-time, loyal residents of Clayton who appreciate the value of Hanley Park to the neighborhood. Their willingness to work with the City on the sale of their property fulfills a long-established need to expand parkland as outlined in the City of Clayton's Parks Master Plan. This purchase is also in line with the City's Strategic Plan which recommends that *"the City identifies and pursues acquisition opportunities."* Specifically, they recommended that *"the City continue discussions with homeowners to the east and west of Hanley Park with the goal of expanding Hanley Park"*. As a result the City negotiated with the homeowners who have agreed to sell the property for \$650,000. It is anticipated that the City will close on this property on or about October 1, 2015.

Upon acquisition, the City will take steps to evaluate the property to decide the best course of action for its incorporation into the historic setting of Hanley Park. The new parkland will serve not only the surrounding neighbors, but all citizens of Clayton as well as the thousands of visitors that make their way to Hanley Park from both near and far each year.

Staff recommendation is to approve the ordinance authorizing the execution of a contract with Theodore and Barbara Winters in the amount of six hundred fifty thousand dollars (\$650,000) for the purchase of the property located at 7612 Westmoreland Avenue.

Alderman Garnholz commented that this is a great opportunity for the City and the community.

Paul Taggert(?) citizen, addressed the Board stating that he is in full support of the City purchasing the property and that it is a very good move.

Alderman Garnholz introduced Bill No. 6521, approving a contract to purchase property at 7612 Westmoreland Avenue to be read for the first time by title only. Alderman Winings seconded.

City Attorney Heinz reads Bill No. 6521, an Ordinance Authorizing the Purchase of Property Located at 7612 Westmoreland Avenue for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6521 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6521, approving a contract to purchase property at 7612 Westmoreland Avenue to be read for the first time by title only. Alderman Winings seconded.

City Attorney Heinz reads Bill No. 6521, an Ordinance Authorizing the Purchase of Property Located at 7612 Westmoreland Avenue for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6390 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT FOR THE CARONDELET PLAZA PAVEMENT REHABILITATION PROJECT

City Manager Owens reported that the Public Works Department is requesting approval of a construction contract for the Carondelet Plaza Pavement Rehabilitation Project. In 2013, Parsons Brinkerhoff completed the design of the project.

This project includes the rehabilitation of the existing concrete pavement and joints, replacement of curb ramps that do not meet ADA requirements, the replacement of substandard curb and gutter, and base repair where necessary. Ultrathin Bonded Asphalt Wearing Surface, Milling, and Pavement Marking were removed for this bid.

The Bid opening was at 2:05 pm on September 9, 2015. The City again received 1 bid on the project as shown on the attached bid tabulation. From speaking with multiple contractors in the area, many are behind schedule on projects given the rain this summer and are not able to take on additional work. Contractor schedules, coupled with being later in the year, are what staff believes to be the reasons for lack bids. Gershenson Construction Company, Inc. submitted the lowest responsive, responsible base bid in the amount of \$689,009.00, plus \$26,430.00 for the Hotel Alternate and \$120,865.00 for the Crosswalk Alternate, for a total bid of \$836,304.00. The final engineer's estimate for this work was \$591,327.20. The Hotel Alternate will be funded by the Ritz Carlton and they have indicated they will participate in these improvements. Staff feels the crosswalk alternate is high and recommends rejecting that alternate.

City Staff recommends approval of the construction contract with Gershenson Construction Company, Inc. for the bid value of \$715,439.00 (base + hotel alternate). In addition to the contract amount, the City Staff requests authorization to approve change orders in an amount not to exceed \$75,000, which is approximately 10% of the project cost. This contingency would be used to cover expenditures to correct unknown site issues that become apparent during the project.

The Capital Improvement Fund has \$688,000 budgeted for this activity in FY 2015. The balance will come from the Capital Improvements Fund.

Staff recommendation is to reject the bid submitted by Gershenson Construction Company, Inc. for the Carondelet Plaza Pavement Rehabilitation Project.

In response to Alderman Lintz's question, John Wulf explained that historically the City bids this type of job out in January or February (peak season) of the year which during that time more bidders would participate.

Because this particular request for bids was sent “off-season” they received just one bid due to other contractors already being heavily extended with other projects.

Alderman Garnholz moved to reject the bid submitted by Gershenson Construction Company, Inc. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING AN EASEMENT AGREEMENT TO ALLOW FOR CANOPIES FOR THE OPUS REDEVELOPMENT PROJECT AT 25 NORTH CENTRAL AVENUE

City Manager Owens reported that the request (and purpose) for the easements is for the construction, maintenance, repairs, replacement and demolition of canopies extending into the right-of-way (ROW) at 25 N. Central. The plans submitted in association with the approval of the Opus Development project envisioned these canopies. The easements are generally 137 feet long and 3 feet wide between elevation 617.5 and 631.9, resulting in a clearance of 8 feet or more from the sidewalk to canopy.

Both Public Works and the City Attorney have reviewed and approved the easement titled Canopy Easement Agreement being considered tonight.

Staff recommendation is to approve the ordinance approving the Canopy Easement Agreement.

Alderman Winings recused himself from the meeting.

Alderman Garnholz introduced Bill No. 6523, an ordinance to approve Easement Agreements with Opus Development Company, LLC for 25 N. Central Avenue to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Heinz reads Bill No. 6523, an Ordinance Approving an Easement Agreement for Canopies to the Opus Redevelopment Project at 25 N. Central Avenue Project for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6523 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6523, an ordinance to approve Easement Agreements with Opus Development Company, LLC for 25 N. Central Avenue to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Heinz reads Bill No. 6523, an Ordinance Approving an Easement Agreement for Canopies to the Opus Redevelopment Project at 25 N. Central Avenue Project for the second time by title only.

Alderman Garnholz – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6391 of the City of Clayton.

In response to the Board’s questions, Joe Downs, Opus Development, stated that they will begin the abatement process within the next four to six weeks with demolition of the building begin complete by the end of the year.

Alderman Winings rejoined the meeting.

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SIGN AN AMENDMENT TO RESTRUCTURE THE LEASE PURCHASE AGREEMENT ON THE FIRE DEPARTMENT LADDER TRUCK

City Manager Owens reported that in 2009 the City purchased a Fire Department Ladder Truck and financed the equipment through a lease purchase agreement for a period of twelve (12) years at a rate of 4.71%. The successful bidder on the lease was PNC Equipment Finance (PNC), which was the entity that handled equipment financing for National City Bank, and these two entities have since merged. After the September 25, 2015 payment, there are 74 remaining payments with an outstanding principal balance of \$595,374.91.

Recently the City determined that there would likely be savings received by refinancing the remainder of the lease, taking into account the requirement of paying a 2% termination fee on the current lease. The City issued a Request for Quotations (RFQ) and received nine (9) proposals that met the RFQ criteria. The savings ranged from \$21,234 to \$51,900 for the remaining lease period and the interest rates proposed ranged from 1.78% to 3.0%. A summary of the proposals received is attached.

After evaluating the proposals, PNC, the current lessor, had the highest savings for the City of \$51,899.90 over the remaining life of the lease, with a 2.1% interest rate. By restructuring the current lease with PNC, the City would save the termination fee cost which causes PNC to have the highest savings while not proposing the lowest interest rate.

Staff recommends approving the attached resolution authorizing the City Manager to sign the lease amendment documents with PNC Equipment Finance to approve the lease restructuring for a savings of \$51,899.90 over the remaining lease period.

Alderman Garnholz moved to approve Res. No. 15-14, to authorize the City Manager to sign an amendment to restructure the lease agreement on the Fire Department Ladder. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

MOTION TO APPOINT A CHAIRMAN TO THE SUSTAINABILITY COMMITTEE

Alderman Garnholz moved to approve the appointment of Pam Fournier as Chairman of the Sustainability Committee. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Garnholz commented that the Art Fair was wonderful.

Alderman Garnholz reported that the St. Louis County Municipal League announced that Pat Kelly, former Alderman and Mayor of the City of Brentwood, as their new executive director.

Alderman Winings reported that the Plan Commission reviewed a proposal for a restaurant at 15 S. Meramec Avenue. The restaurant will have an upper (outdoor) deck with seating area.

Alderman Boulton reported that she and Alderman Lintz participated in the Ameren tour of the Calloway Nuclear Plant.

Alderman Berger reported that the CRSWC met and approved the proposed budget. He complimented Patty DeForrest and Toni Siering on their hard work.

Alderman Berger commended all who worked on the Art Fair, very well attended and successful event. He commented that during the artists' sign-up process several expressed their excitement to be here for the event. He added that the restaurants were very full all weekend.

Alderman Lintz also commended and thanked the staff.

Alderman Berkowitz also commended the staff on a very nice event.

Alderman Berkowitz reported that he and Alderman Garnholz met with residents of the Moorlands regarding the parking issues.

Mayor Sanger also commented on the turn out of the Art Fair. He expressed kudos to Janet LeMay on the Craft Beer Festival.

There being no further business the meeting was adjourned at 8:10 p.m.

Mayor

ATTEST:

City Clerk